

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

Civil Case No. 08-14159
Honorable Patrick J. Duggan

CATHY SWANIGAN a/k/a
CATHERINE MESSINA,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, SUSTAINING
DEFENDANT'S OBJECTIONS TO GARNISHMENT, AND DISMISSING
GARNISHMENT**

This is a student loan case filed by the United States to collect money due from Defendant Cathy Swanigan, a/k/a Catherine Messina. A default judgment was entered against Defendant in the amount of \$5,388.22, together with post-judgment interest, on November 10, 2008. (ECF No. 7.) The United States obtained a writ of continuing garnishment on Elk Medical Equipment and Supplies on September 14, 2012. (ECF No. 15.) On October 3, 2012, Defendant filed objections to the garnishment and requested a hearing, which this Court referred to Magistrate Judge R. Steven Whalen.

Magistrate Judge Whalen scheduled a garnishment hearing for November 27, 2012. At the hearing, the parties reached an agreement for satisfaction of the default judgment. Based on the parties' settlement, on December 7, 2012, Magistrate Judge Whalen issued a Report and Recommendation ("R&R") in which he recommends that Defendant's objections to the garnishment be sustained, the garnishment dismissed, and

that Defendant pay the judgment under the terms of her agreement with the United States. (ECF No. 21.) At the conclusion of the R&R, Magistrate Judge Whalen informs the parties that any objections to his R&R must be filed within fourteen days of service. (*Id.* at 2.) He further advises that the “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen.

Accordingly,

IT IS ORDERED, that the Court **ADOPTS** Magistrate Judge R. Steven Whalen’s Report and Recommendation dated December 7, 2012;

IT IS FURTHER ORDERED, that Defendant’s objections to the garnishment on Elk Medical Equipment and Supplies (ECF No. 16) are **SUSTAINED** and the garnishment (ECF No. 15) is **DISMISSED**.

DATED: January 8, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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